



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4428

by Rep. Ron Sandack

SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-214.3

from Ch. 110, par. 13-214.3

Amends the Code of Civil Procedure. In provisions limiting an action against an attorney for malpractice to no later than 6 years after the date on which the attorney's act or omission occurred, adds this exception: if the client is still represented by the attorney or the attorney knowingly conceals the act or omission, the period of limitations will not begin to run until the person is no longer represented by the attorney or until the client should have known of the injury.

LRB098 17021 HEP 52105 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 13-214.3 as follows:

6 (735 ILCS 5/13-214.3) (from Ch. 110, par. 13-214.3)

7 (Text of Section WITHOUT the changes made by P.A. 89-7,
8 which has been held unconstitutional)

9 Sec. 13-214.3. Attorneys.

10 (a) In this Section: "attorney" includes (i) an individual
11 attorney, together with his or her employees who are attorneys,
12 (ii) a professional partnership of attorneys, together with its
13 employees, partners, and members who are attorneys, and (iii) a
14 professional service corporation of attorneys, together with
15 its employees, officers, and shareholders who are attorneys;
16 and "non-attorney employee" means a person who is not an
17 attorney but is employed by an attorney.

18 (b) An action for damages based on tort, contract, or
19 otherwise (i) against an attorney arising out of an act or
20 omission in the performance of professional services or (ii)
21 against a non-attorney employee arising out of an act or
22 omission in the course of his or her employment by an attorney
23 to assist the attorney in performing professional services must

1 be commenced within 2 years from the time the person bringing
2 the action knew or reasonably should have known of the injury
3 for which damages are sought.

4 (c) Except as provided in subsection (d), an action
5 described in subsection (b) may not be commenced in any event
6 more than 6 years after the date on which the act or omission
7 occurred; however, if the person entitled to bring the action
8 is still represented by the attorney or the attorney knowingly
9 conceals the act or omission so as to prevent the person
10 bringing the action from becoming aware of the act or omission,
11 the period of limitations does not begin to run until the
12 person is no longer represented by the attorney or until the
13 person knows or should have known of the injury.

14 (d) When the injury caused by the act or omission does not
15 occur until the death of the person for whom the professional
16 services were rendered, the action may be commenced within 2
17 years after the date of the person's death unless letters of
18 office are issued or the person's will is admitted to probate
19 within that 2 year period, in which case the action must be
20 commenced within the time for filing claims against the estate
21 or a petition contesting the validity of the will of the
22 deceased person, whichever is later, as provided in the Probate
23 Act of 1975.

24 (e) If the person entitled to bring the action is under the
25 age of majority or under other legal disability at the time the
26 cause of action accrues, the period of limitations shall not

1 begin to run until majority is attained or the disability is
2 removed.

3 (f) This Section applies to all causes of action accruing
4 on or after its effective date.

5 (Source: P.A. 86-1371.)